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AMENDMENTS TO LB 161

(Amendments to E & R amendments, AM7072)

1 1. Insert the following new section:

2 "Section 1. Section 15-201, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 15-201. Cities of the primary class shall be bodies
5 corporate and politic and shall have power:

6 (1) To sue and be sued;

7 (2) To purchase, lease, or otherwise acquire as
8 authorized by their home rule charters or state statutes real
9 estate or personal property within or without the limits of the
10 city for its use for a public purpose;

11 (3) To purchase real or personal property upon sale for
12 general or special taxes or assessments and to lease, sell, convey,
13 or exchange such property so purchased;

14 (4) To sell, convey, exchange, or lease real or personal
15 property owned by the city in such manner and upon such terms and
16 conditions as shall be deemed in the best interests of the city as
17 authorized by its home rule charter, except that real estate owned
18 by the city may be conveyed without consideration to the State of
19 Nebraska for state armory sites or, if acquired for state armory
20 sites, shall be conveyed in the manner strictly as provided in
21 sections 18-1001 to 18-1006;

22 (5) To make contracts and do all acts relative to the
23 property and concerns of the city necessary or incident or

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1 appropriate to the exercise of its corporate powers, including
2 powers granted by the Constitution of Nebraska or exercised by or
3 pursuant to a home rule charter adopted pursuant thereto and
4 including the power to execute such bonds and obligations on the
5 part of the city as may be required in judicial proceedings;

6 (6) To purchase, construct, and otherwise acquire, own,
7 maintain, and operate public service and public utility property
8 and facilities within and without the limits of the city and to
9 redeem such property from prior encumbrance in order to protect or
10 preserve the interest of the city therein and to exercise such
11 other and further powers as may be necessary or incident or
12 appropriate to the powers of such city, including powers granted by
13 the Constitution of Nebraska or exercised by or pursuant to a home
14 rule charter adopted pursuant thereto. If the public service or
15 public utility property or facility is located outside the limits
16 of the city but within the zoning jurisdiction of another political
17 subdivision, the city and the other political subdivision may by
18 interlocal agreement provide or exchange services, including
19 utility services, relating to the property or facilities; ~~and~~

20 (7) To receive grants, devises, donations, and bequests
21 of money or property for public purposes in trust or otherwise; and

22 (8) To provide for the planting, maintenance, protection,
23 and removal of shade, ornamental, and other useful trees upon the
24 streets or boulevards; to assess the cost thereof, when
25 appropriate, as a special assessment against the property specially
26 benefited to the extent of benefits received; and to provide by
27 general ordinance for the manner in which such benefits are to be

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1 measured and the assessments calculated. The city may create
2 districts by ordinance which shall designate the property within
3 the district to be benefited. Upon the proposed formation by
4 ordinance of a special assessment district pursuant to this
5 subdivision, the city shall mail copies of such proposed ordinance
6 and this subdivision to the owners of the record title of any
7 property abutting upon the street, streets, public way, or public
8 grounds proposed to be improved or parts thereof which are within
9 such district not less than ten days prior to the public hearing
10 for the ordinance. The requirement to mail copies under this
11 subdivision shall be satisfied by mailing a copy of the ordinance
12 and this subdivision by United States mail to the last-known
13 address of the owners of record title. Notwithstanding the
14 provisions of any city charter and except as provided below, no
15 such improvement shall be finally ordered by the city council until
16 a petition, signed by the owners of the record title representing a
17 majority of the front footage of property directly abutting upon
18 the street, streets, public way, or public grounds proposed to be
19 improved, or parts thereof, is presented and filed with the city
20 clerk petitioning therefor. The sufficiency of the petitions and
21 objections so presented and the sufficiency of notice as provided
22 in this subdivision shall be determined by the city council and its
23 determination thereof shall be conclusive in the absence of
24 objections made and presented to the city council prior to the
25 letting of the contract for the improvement. In determining the
26 sufficiency of the petitions so presented, intersections shall be
27 disregarded and any lot or ground owned by the city shall not be

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1 counted for or against such improvement. If an assessment district
2 is proposed without a prior authorizing petition as described in
3 this subdivision, the owners of the record title representing more
4 than fifty percent of the front footage of the property abutting
5 upon the streets, avenues, or parts thereof which are within such
6 proposed district may, by petition, stop formation of such
7 district. Such written protest shall be submitted to the city
8 council or clerk within thirty calendar days after publication of
9 notice concerning the ordinance in a newspaper of general
10 circulation in the city.

11 The powers shall be exercised by the mayor and council of
12 the city except in cases otherwise specified by law. The mayor and
13 council shall adopt a corporate seal for the use of any officer,
14 board, or agent of the city whose duties require an official
15 seal.".

16 2. On page 11, line 21, after "sections" insert
17 "15-201,".

18 3. Renumber the remaining sections accordingly.